IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 25929 of 2003

Between:

A. Chandraiah, E-175131, S/o. Mallaiah
R/o. Kodada, Nalgonda Dist.

..... PETITIONER

AND

1 The APSRTC Rep by its Regional Manager,
Nalgonda Region, at Nalgonda Dist.
2 The Depot Manager, Kodada, Nalgonda Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents herein in disengaging me from service orally and insisting me to get the driving licence genuineness certificate instead of verifying the same with the concerned authority and rejecting my case vide Proc. No. P2/255(24)/99-RM-Nalgonda, dt.20-5-2003 as illegal, unjust and arbitrary and as such liable to be set aside in the interest of justice.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.V.T.M.PRASAD STANDING COUNSEL FOR APSRTC

The Court made the following:

ORDER:

Heard both sides and at their request, the writ petition is being taken up for disposal.

The petitioner claims to be working as a Driver with the respondent-Corporation files this writ petition, *inter alia*, seeking a writ of Mandamus challenging the impugned proceedings dated 20.05.2003, whereunder the respondents asked the petitioner to submit the certification of genuineness of the licence held by him by obtaining necessary particulars from the authorities concerned.

The case of the petitioner in brief is that having satisfied about the licence held by him at the time of appointment, it is not open for the respondents to go on asking for verifying the same. It is very difficult for the petitioner to obtain any certificate and the respondents themselves could have as well approached the authorities concerned for verification of the same. Further, having asked for such particulars, now the respondents are trying to disengage him from service.

Pending the writ petition, the petitioner has obtained interim

orders in W.P.M.P.No.32755 of 2003 on 15.12.2003 to continue him in service.

Now the respondents herein filed a detailed counter affidavit along with a vacate stay petition, wherein it is stated that it is only with a view to verify the genuineness of the licence held by the petitioner, the impugned proceedings have been issued and therefore the petitioner cannot seek any indulgence from this Court unless and until he satisfies the same.

Having considered the submissions made on either side and also on perusal of the material, apparently the petitioner has approached this Court under Article 226 of the Constitution of India only with a view to obtain some orders for continuing him in service without satisfying the genuineness of the licence held by him, in respect of which, the particulars were sought by the respondents, instead the petitioner could have approached the authorities concerned for getting necessary particulars satisfying the genuineness. There is absolutely no explanation as to why such steps are not being taken. In fact, the petitioner should have approached the respondents herein for the purpose of satisfying the genuineness. Merely on apprehension that the petitioner is sought to be disengaged, cannot be a ground to interfere under Article 226 of the Constitution of India. Hence, I do not find any merit in the writ petition.

Accordingly, the writ petition is dismissed. No costs. However, it is left open to the petitioner to approach the respondents herein and satisfy the genuineness of the particulars as sought by the respondents.

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07.12.2004

VGB

To

1 The Regional Manager, APSRTC
Nalgonda Region, at Nalgonda Dist.
2 The Depot Manager, Kodada, Nalgonda Dist.

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